

112TH CONGRESS
1ST SESSION

H. R. 2730

To amend part E of title IV of the Social Security Act to better enable State child welfare agencies to prevent human trafficking of children and serve the needs of children who are victims of human trafficking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2011

Ms. BASS of California (for herself, Mr. MARINO, Mr. PAYNE, and Ms. JACKSON LEE of Texas) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend part E of title IV of the Social Security Act to better enable State child welfare agencies to prevent human trafficking of children and serve the needs of children who are victims of human trafficking, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthening the
5 Child Welfare Response to Human Trafficking Act of
6 2011”.

1 **SEC. 2. IMPROVING LOCAL EFFORTS TO COMBAT TRAF-**
2 **FICKING AND SEXUAL EXPLOITATION.**

3 (a) **EMPLOYEE TRAINING GUIDELINES AND RE-**
4 **SOURCES.**—The Secretary of Health and Human Services
5 shall develop and publish guidelines (including a list of
6 recommended experts in the field) for use by State child
7 welfare agencies in training appropriate child welfare em-
8 ployees and court employees in identifying, documenting,
9 educating, and counseling children being provided services
10 by the agencies who are at risk of becoming a victim of
11 trafficking (as defined in section 103(14) of the Traf-
12 ficking Victims Protection Act of 2000) or who are human
13 trafficking victims who may need to be in the care of the
14 child welfare system. The guidelines should also include
15 tips on how the child welfare employee can effectively en-
16 gage, educate, and support the parents of such a child vic-
17 tims, if appropriate.

18 (b) **BEST PRACTICES TOOLKIT.**—The Secretary of
19 Health and Human Services shall develop and publish
20 guidelines that contain recommendations on how State
21 child welfare agencies may prevent children from becoming
22 a victim of trafficking (as defined in section 103(14) of
23 the Trafficking Victims Protection Act of 2000), which
24 should include advice on how State and local law enforce-
25 ment agencies may collaborate proactively with non-profit
26 organizations on how to manage cases involving a child

1 who is such a victim. In developing the best practices tool-
2 kit, the Secretary of Health and Human Services is en-
3 couraged to utilize multi-disciplinary research, peer-re-
4 viewed research, evidence-based treatments and programs,
5 and input from child welfare agencies that have developed
6 human trafficking specific programs, and to consult ap-
7 propriate agencies throughout the Federal Government
8 such as the Federal Bureau of Investigation and the Traf-
9 ficking in Persons Office of the Department of State. The
10 Secretary of Health and Human Services should also con-
11 sider how the Department of Health and Human Services
12 can best provide support to monitor and evaluate existing
13 and related programs at State and county agencies and
14 outline these support mechanisms in the best practices
15 toolkit.

16 (c) RESIDENTIAL SAFE HAVENS.—The Secretary of
17 Health and Human Services shall draft recommendations
18 for State child welfare agencies on how to best update li-
19 censing requirements for child-care institutions so that
20 specialized, long-term residential facilities or safe havens
21 serving children who are human trafficking victims can
22 qualify as child-care institutions under part E of title IV
23 of the Social Security Act, so that such children who are
24 in the care of the State may receive the best care and
25 services possible.

1 (d) STREAMLINE DATA COLLECTION AND REPORT-
2 ING.—Section 471(a) of the Social Security Act (42
3 U.S.C. 671(a)) is amended—

4 (1) by striking “and” at the end of paragraph
5 (32);

6 (2) by striking the period at the end of para-
7 graph (33) and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(34) provides that—

10 “(A) the records of the agency classify
11 each child to whom the agency is providing
12 child welfare services and whom the agency has
13 identified as being a victim of trafficking (as
14 defined in section 103(14) of the Trafficking
15 Victims Protection Act of 2000), as a child
16 trafficking victim, and specify the reasons why
17 the child is so classified;

18 “(B) each report submitted by the agency
19 to the data collection system established under
20 section 479 includes information on each child
21 so classified; and

22 “(C) the agency shall report the identity of
23 each child to whom the agency is providing
24 child welfare services and who is missing or has
25 been abducted, immediately to appropriate law

1 enforcement agencies for entry into the Na-
2 tional Crime Information Center database.”.

3 (e) DOCUMENTATION OF CHILD SAFETY AND RE-
4 LATED SPECIALIZED SERVICES.—Section 475(1) of such
5 Act (42 U.S.C. 675(1)) is amended by adding at the end
6 the following:

7 “(H) In the case of a child classified by
8 the State agency as a victim of trafficking (as
9 defined in section 103(14) of the Trafficking
10 Victims Protection Act of 2000), a documenta-
11 tion of the measures taken to ensure the safety
12 of the child in the placement and of the extent
13 to which the child is receiving services designed
14 specifically to meet the needs of trafficked chil-
15 dren, such as intensive case management, men-
16 tal health counseling, security services, lan-
17 guage, and cultural competency.”.

18 (f) EXTEND SERVICES FOR TRAFFICKED YOUTH TO
19 AGE 21.—Section 477(a) of such Act (42 U.S.C. 677(a))
20 is amended—

21 (1) by striking “and” at the end of paragraph

22 (6);

23 (2) by striking the period at the end of para-
24 graph (7) and inserting “; and”; and

25 (3) by adding at the end the following:

1 “(8) to ensure that each child in foster care and
2 each former foster care recipient who is a victim of
3 trafficking (as defined in section 103(14) of the
4 Trafficking Victims Protection Act of 2000) is able
5 to access the services described in section 475(1)(H)
6 of this Act until the child attains 21 years of age.”.

7 (g) EFFECTIVE DATE.—

8 (1) IN GENERAL.—Except as otherwise pro-
9 vided in this section, this section and the amend-
10 ments made by this section shall take effect on Jan-
11 uary 1, 2012.

12 (2) DELAY PERMITTED IF STATE LEGISLATION
13 REQUIRED.—In the case of a State plan approved
14 under part E of title IV of the Social Security Act
15 which the Secretary of Health and Human Services
16 determines requires State legislation (other than leg-
17 islation appropriating funds) in order for the plan to
18 meet the additional requirements imposed by this
19 section, the State plan shall not be regarded as fail-
20 ing to comply with the requirements of such part
21 solely on the basis of the failure of the plan to meet
22 such additional requirements before the 1st day of
23 the 1st calendar quarter beginning after the close of
24 the 1st regular session of the State legislature that
25 ends after the 1-year period beginning with the date

1 of the enactment of this Act. For purposes of the
2 preceding sentence, in the case of a State that has
3 a 2-year legislative session, each year of the session
4 is deemed to be a separate regular session of the
5 State legislature.

6 **SEC. 3. PROVISION OF SERVICES BY CHILD WELFARE**
7 **AGENCIES TO PREVENT HUMAN TRAF-**
8 **FICKING OF CHILDREN, AND TO SERVE THE**
9 **NEEDS OF CHILDREN WHO ARE VICTIMS OF**
10 **HUMAN TRAFFICKING.**

11 Section 471(a) of the Social Security Act (42 U.S.C.
12 671(a)), as amended by section 2(d) of this Act, is amend-
13 ed—

14 (1) by striking “and” at the end of paragraph
15 (33);

16 (2) by striking the period at the end of para-
17 graph (34) and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(35) not later than January 1, 2013, describes
20 the practices and future plans of the State child wel-
21 fare agency regarding the human trafficking and
22 commercial sexual exploitation of foreign, United
23 States citizen, and legal resident children, includ-
24 ing—

1 “(A) collaborations with local and State
2 agencies and nonprofit organizations to identify
3 and care for children believed or confirmed to
4 be, or at-risk of becoming victims of a severe
5 form of human trafficking;

6 “(B) training for the child welfare employ-
7 ees who are likely to come into contact with
8 child victims of human trafficking;

9 “(C) jurisdictional limits and other issues
10 that hinder State child welfare response to aid
11 child victims of human trafficking;

12 “(D) data collection regarding children
13 identified by child welfare services as victims of
14 trafficking and, if known, the relationship be-
15 tween the child and the exploiter; and

16 “(E) prevention education to families and
17 at-risk children, including runaway and home-
18 less youth, regarding human trafficking and
19 commercial sexual exploitation.”.

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